

At the Independent Employment Advocacy Centre we regularly speak with disabled people who have been bullied. For example, our advocates estimate that three quarters of the disabled people they have worked with would say that they have experienced some form of bullying or harassment in work situations.

This brief booklet talks about what bullying and harassment are and the steps you can take as a disabled person if you are subjected to bullying in paid or voluntary work. Bullying is never acceptable and there are different options open to you if you find yourself in this difficult position. At the end of the booklet there is a list of organisations that can offer further information and/or support. You can also contact our Centre for guidance on your options.

The responsibility for stopping this behaviour lies squarely with the individual bullies and the organisations they are working for. This guide has been written for disabled people who find themselves on the receiving end of bullying. We have, however, also provided details of organisations that can work to help employers put an end to bullying.

Often there is what could be described as a 'bullying culture' within an organisation which reinforces bullying and makes it seem normal. This is unacceptable now and no good employer should tolerate bullying and harassment for any reason. They stand to lose good, committed workers and their reputation if they do.

Examples of bullying behaviour that disabled people have reported to us include:

- Sustained personal attacks from line managers.
- Verbal abuse and shouting.
- Putting someone down in front of others.
- Making fun of someone's individual attributes – this is often about someone's impairment or the effects of their impairment.
- Constant challenging about health or impairment.
- Belittling remarks.
- Resentful behaviour from colleagues about different treatment.
- Managers trying to make people feel bad about requesting adjustments.
- Withholding important information that is required to do the job effectively.
- Being set up to fail.
- Being the butt of impairment related jokes.
- Overloading with work and unrealistic deadlines.
- Exclusion from social activities.

- Sometimes disabled people feel unsupported in work because their manager is aware that behaviour of colleagues is unacceptable but fails to deal with the bullying, so is colluding with it.

What is the difference between bullying and harassment?

According to ACAS, **harassment** can be described as:

“unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race, disability, religion, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. **The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.**”

Bullying: “may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to humiliate, denigrate or injure the recipient.”

It does not matter whether the person doing it intended to cause these effects – it is the impact on you that is important. Bullying or harassment can happen when you are on your own or in front of others. It can be a one off, or a series of events.

Are disabled people more likely to be bullied?

In 2006 the CIPD (Chartered Institute of Personnel and Development) conducted a survey. This found that *“disabled workers were twice as likely to report instances of bullying in the workplace than non-disabled colleagues. Some 37% of employees with disabilities said they had come up against bullying, compared with 18% of non-disabled people.”* This figure was higher than for any other social group surveyed.

Taking action

You are not alone – seek support from others you can trust. Whatever you decide to do, you do not have to deal with this by yourself. In self advocacy workshops, many disabled people say that getting support from others is a really important first step. This could be someone else you work with, another disabled person, a friend or a family member.

Find someone to attend meetings with you where possible. This could be a colleague (if they feel comfortable), a union rep, a Harassment Officer, a Dignity at Work representative if your organisation has them or an independent advocate.

Unfortunately, for many what tends to happen is that the person leaves their job. This is for all sorts of reasons including:

- The stress of having to make a complaint.

- Not wanting to rock the boat.
- Worries about not being believed.
- Fear of the possible consequences – what if the bullying gets worse?
- Not feeling fully supported by colleagues, friends or family.
- Worries about getting references.
- For disabled people especially, it often takes a lot of extra effort to get a job in the first place because there still is not full equality for disabled people at work. Sometimes disabled people put up with terrible situations for this reason.
- Concerns about things continuing outside of work time e.g. cyber bullying is now becoming much more common. Many disabled people require new technologies such as mobiles, laptops and blackberries to be independent.

This does not have to happen. There is support available.

How to take action

One of the most difficult things for people is actually acknowledging that what is happening could be bullying or harassment. Sometimes people only realise this after they have left the organisation. Even if you only suspect that what is happening could be bullying, it is worthwhile keeping a detailed record of all incidents - who said what, when and in front of whom. This could prove invaluable in the future if you decide to take action, or indeed if someone else where you work faces a similar problem.

Does your organisation have a harassment or dignity at work policy? If so, these should give you a range of options on how to tackle things. Some of these could be informal ways to try to resolve things, others may be more formal such as putting in a grievance against the person or people concerned. It is up to you how to proceed.

Here are some tips on what to do if you are being bullied. These are from the Andrea Adams Trust, a specialist support organisation for people who are / have been bullied:

- “Find out if your employer has a policy and procedures on harassment and bullying and obtain a copy
- Stand calm and firm and do not allow yourself to be a target
- Do not become isolated, seek immediate support and advice
- Keep a record of all incidents which cause you distress or are undermining – log dates and details and write down your feelings after each such occurrence together with your own response
- Try to get witnesses to bullying incidents by avoiding situations where you are alone with the bully
- Do not take action alone. Seek guidance and support
- Talk to colleagues and see if they are experiencing the same treatment as you.

- Follow the company grievance procedures with the help and support of your Harassment Advisor, Personnel or Union officers
- Keep your complaint as objective as possible so that you can't be accused of filing the complaint out of malice or ambition
- If counselling is available at work make an early appointment to talk through your experience
- Talk to friends and family for emotional support"

Details of the Andrea Adams Trust helpline are at the end of this booklet.

What the Law says

One of the difficult things about bullying and harassment is that there is no one single law that covers it. Instead, you have to look at the type of behaviour that has taken place to identify which laws may apply. Under existing equality legislation, harassment is outlawed on the basis of a person's impairment, colour, ethnic or national origin, sexual orientation, religious belief and / or gender.

Behaviour may sometimes be classed as harassment under more than one Act depending on what has happened. For example, the treatment you have been subjected to could fall under 3 separate areas of legislation if you can show that you were harassed because of your nationality, sexual orientation and impairment – in this case it could come under the Race Relations Act, the Employment Equality (Sexual Orientation) Regulations and the Disability Discrimination Act.

Specifically, Discrimination and Harassment are unlawful under the **Disability Discrimination Act (DDA)**. The DDA says that harassment has happened "where, for a reason which relates to a person's disability, another person engages in unwanted conduct that has the purpose or effect of:

- violating the disabled person's dignity
- creating an intimidating, hostile, degrading, humiliating or offensive environment for him or her."

If you work within the public sector, e.g. a school, local authority, NHS trust, the police; then your employer also has a legal duty to promote disability equality. Within this, elimination of harassment is one of their core responsibilities. This means that they have to look long and hard at any policies or activities which might mean that disabled people are at risk of harassment, and find ways to prevent it. You can ask for a copy of your organisation's Disability Equality Scheme to see what they are doing about this.

If you have worked as an employee for longer than 12 months it **may** be possible to claim unfair constructive dismissal on the basis that the relationship between you and your employer has completely broken down. This would be due to bullying leading to a breach of the employment contract - employers are generally considered to have responsibility for the actions of their employees so should take steps to stop any bullying and harassment. You should take advice on this though— these types of cases are not easy to prove.

Sources of Information and Support

Breakthrough's Independent Employment Advocacy Centre

We offer a free information service for disabled people, employers and organisations across Greater Manchester on good practice in the employment of disabled people.

We also offer one to one information and support to disabled people on speaking up in work situations and using your employment rights. If you would like some guidance or support with dealing with a work barrier, please contact us in confidence.

For more details, contact us on:

Tel: 0161 273 5412

Fax: 0161 274 4053

Answerphone Textphone: 0161 273 5727

Email: advocacy@breakthrough-uk.co.uk

Address: Independent Employment Advocacy Centre, Breakthrough UK Ltd,
B.E.V.C. Aked Close, Ardwick, Manchester M12 4AN

ACAS (Advisory, Conciliation and Arbitration Service)

ACAS aims to improve organisations and working life through better employment relations. They offer advice to both individuals and organisations and have produced guidance for employees on bullying and harassment at work.

Helpline Telephone: 08457 47 47 47

Helpline Minicom: 08456 06 16 00

Website: www.acas.org.uk

The Andrea Adams Trust

The Trust was set up to tackle workplace bullying and they offered support and advice to both employees and employers. It has now closed unfortunately, but there is still useful information available on their website at:

www.andreaadamstrust.org

Bully Online

Bully OnLine is the world's largest resource on workplace bullying and related issues
www.bullyonline.org

UK National Stress Network

Visit the website for details of organisations which may be able to help you if you are experiencing stress
www.workstress.net

Dignity at Work

Set up by the former Department for Business, Enterprise and Regulatory Reform (BERR) and Unite the Union, the Dignity at Work Partnership was set up to tackle bullying and harassment in an employment context. A key aim is “for employers and employee representatives to work together to find ways of addressing the issues around bullying.”

www.dignityatwork.org

Chartered Institute of Personnel and Development

Support Human Resource Professionals and have an online factsheet on Harassment and Bullying at work:

www.cipd.co.uk/subjects/dvsequl/harassmt/harrass.htm?IsSrchRes=1

Health and Safety Executive (HSE)

The HSE has guidance on managing workplace stress at:

www.hse.gov.uk/stress/

They also have an information line on 0845 345 0055.

Equality and Human Rights Commission champions equality and human rights for all. They offer information on your rights to equal treatment and dealing with discrimination on the grounds of disability, age, gender, religion or belief, sexual orientation or race.

Website: www.equalityhumanrights.com

Equality and Human Rights Commission Helpline

0845 604 6610 - England main number

0845 604 6620 - England textphone

0845 604 6630 - England fax

Mon, Tue, Thu, Fri 9:00 am-5:00 pm; Wed 9:00 am-8:00 pm (last call taken at 7:45pm)

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Please tell us about any access requirements when you get in touch.